

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, :
Plaintiff, : Case No. 1:13-cr-50
vs. :
DONTE BOOKER, : OPINION & ORDER
Defendant. : [Resolving Docs. [196](#), [197](#)]
:

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In March 2013, a federal jury convicted Defendant Donte Booker of attempted possession with intent to distribute five kilograms of a cocaine mixture.¹ The Court then sentenced Booker to 200 months' incarceration and five years' supervised release.² Defendant Booker has since mounted a series of attacks on his sentence and conviction, two of which are relevant here.

In December 2017, Booker moved to reopen his previously denied habeas petition.³ The Court denied his motion.⁴ Booker appealed that decision.⁵ Then, in May 2018, Booker moved to reduce his sentence.⁶ The Court denied that motion as well and Booker again appealed.⁷ Both of these appeals, which the Sixth Circuit has since consolidated, are still pending.⁸

Now, Booker is back again, this time asking the Court to correct his presentence

¹ Doc 32.

² Doc. 57.

³ Doc. 153.

⁴ Doc. 164.

⁵ Doc. 176.

⁶ Doc. 180.

⁷ Docs. [188](#), [189](#).

⁸ See Doc. [195](#).

report.⁹ He also asks to supplement that motion to correct.¹⁰

Generally, a notice of appeal divests a district court of jurisdiction over the case.¹¹ Although there are some exceptions to the rule (like when a notice of appeal is untimely or the issues on appeal are unrelated to those before the Court), none of them appear relevant here.¹² Accordingly, the Court lacks jurisdiction over Booker's motions while the Sixth Circuit considers his appeals.

Thus, the Court **DENIES** Defendant's motion to correct and **DENIES** Defendant's motion to supplement, without prejudice for him to refile when the Court regains jurisdiction.

IT IS SO ORDERED.

Dated: March 25, 2019

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁹ Doc. 196.

¹⁰ Doc. 197.

¹¹ *Lewis v. Alexander*, 987 F.2d 392, 394 (6th Cir. 1993).

¹² *Id.* at 394–95.